

Message

From: Tanner, Barbara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=85D9A3F12DFA4B4ABAAE51BC4723EDDB-TANNER, BARBARA]
Sent: 4/8/2019 5:27:23 PM
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Subject:

News Articles (For EPA Distribution Only)

BNA.COM ARTICLES

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Sierra Club Moves to Block Construction of Trump Border Wall

By Brian Flood

Posted April 5, 2019, 9:55 AM

The Sierra Club and the Southern Border Communities Coalition are asking a court to block President Trump's controversial border wall.

Maryland Looks to Become First State to Ban Foam Packaging

By Adam Allington

Posted April 5, 2019, 3:51 PM

The Maryland General Assembly has sent a bill to the governor's desk that would make Maryland the first state in the country to ban expanded polystyrene foam containers and cups.

INSIDEEPA.COM ARTICLES

EPA Issues New Chemical SNURs, Opening Door To Landmark TSCA Suit

EPA has finalized significant new use rules (SNURs) on 13 new chemicals using an approach intended to speed up reviews but which environmentalists and others oppose, setting the stage for a likely first-time suit on how EPA addresses new chemicals and protects workers under the revised Toxic Substances Control Act (TSCA).

GREENWIRE ARTICLES

Security costs drop under Wheeler



EPA Administrator Andrew Wheeler spends less on security than his predecessor. Bill Clark/CQ Roll Call/Newscom

Security costs for protecting the EPA administrator have declined since Andrew Wheeler took charge of the agency.

EPA has spent more than \$1.6 million on payroll and travel costs for the Protective Service Detail, which guards the agency's administrator, since Wheeler became acting chief last July. Records released by EPA detail how the agency spent those funds, including about \$1.5 million on salary for agents in the unit as well as close to \$136,000 on their travel expenses.

EPA spent more on security for Wheeler's predecessor, Scott Pruitt, during a similar time period. For Pruitt's first two full quarters as head of the agency, beginning with fiscal 2017's third quarter, EPA spent more than \$1.8 million on the detail's payroll and travel costs.

Wheeler's first full quarter as acting administrator — fiscal 2019's first quarter — saw the administrator's security detail's costs fall by more than a third to roughly \$634,000. The detail's costs were more than \$1 million in the previous quarter.

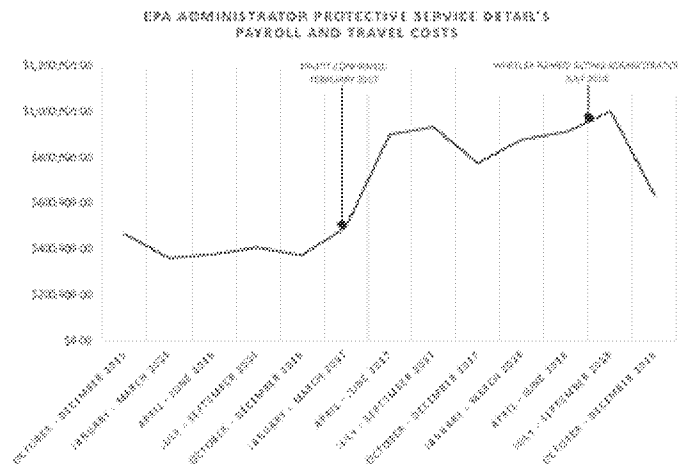
EPA spent approximately \$4.4 million overall on personal security for Pruitt during his time as administrator, according to the records.

The EPA records were posted online in the agency's Freedom of Information Act **library**, which detail the security detail's **payroll** and **travel costs** going back to fiscal 2009. E&E News filed a FOIA request for records listing Wheeler's security costs, as it has for Pruitt and other administrators in the past ([*Greenwire*](#), July 5, 2017).

At EPA, Pruitt had an around-the-clock personal security detail, a ramped-up protective presence compared with past heads of the agency. The unit's costs spiked during his tenure. Critics questioned why Pruitt required more protection than past agency chiefs and said the heightened security was drawing EPA's enforcement agents away from investigating environmental crimes.

The EPA inspector general opened a review into the Protective Service Detail and said in a **report** this past September that the agency had failed to justify spending for Pruitt's extensive security, which EPA disputed in response. It also found that the agency spent more than double on Pruitt's protection compared with his predecessor, Gina McCarthy.

EPA administrators typically have less security than Pruitt had. Wheeler said he had the right level of protection when asked about it soon after he became acting administrator.



[+] Claudine Hellmuth/E&E News(chart);EPA records(data)

"I have the appropriate level of security that the security detail says I need at this point. And if I go into too much detail, if I publicize that I don't have 24/7, then that could create a security issue," Wheeler said in an interview with E&E News (*E&E News PM*, July 13, 2018).

Wheeler was confirmed as EPA administrator by the Senate in February.

An EPA spokesman declined to comment for this story.

EPA would point to the increased number of threats against Pruitt compared with his predecessors when asked about his greater security. The IG investigated several of those threats but found people were either poking fun or expressing frustration with Pruitt, including one person who sent a threatening Twitter post while drinking and watching liberal commentator Rachel Maddow. Many of the probes were closed without finding the perpetrator or with authorities declining to prosecute those behind the threats.

Other records since obtained by E&E News cast doubt on why Pruitt required a 24/7 security detail. The Secret Service at least twice searched its own records and found no threats against him.

In one "direction of interest query," dated Feb. 21, 2017, just days after Pruitt's Senate confirmation, the law enforcement agency's Protective Intelligence and Assessment Division had "not received any reports of behaviors of interest directed toward" the then-EPA administrator. Another query dated about a year later found the same results.

E&E News filed a FOIA request for those records last year. The Secret Service initially said in response that no such records were found in its main indexes.

E&E News appealed that decision, noting the requested records were cited in a letter by Sens. Tom Carper (D-Del.) and Sheldon Whitehouse (D-R.I.) questioning Pruitt's security costs. The Secret Service then released the records.

Other records referenced in the senators' letter also questioned the gravity of threats against Pruitt. One internal memo, also obtained by E&E News under FOIA, said an open-source review found "no evidence of a direct threat to" Pruitt's life.

<https://www.eenews.net/greenwire/2019/04/05/stories/1060145033>

Former children's health chief now works in water office



Dr. Ruth Etzel, then the director of EPA's Office of Children's Health Protection, speaking on a panel in 2016. Alaska Community Action on Toxics/YouTube

Published: Friday, April 5, 2019

The former director of EPA's Office of Children's Health Protection has returned to the agency after being placed on administrative leave last fall.

Dr. Ruth Etzel, a pediatrician and public health specialist, was placed on administrative leave by EPA last September (*[Greenwire](#)*, Sept. 26, 2018).

EPA spokesman James Hewitt confirmed Etzel's move to the Office of Water.

"After undergoing a performance review by career EPA staff, and pending further actions, it was determined that Dr. Etzel be moved to a non-supervisory role in another department following her reinstatement last month," he said.

Inside EPA was first to report Etzel's return to the agency.

The Office of Water has a broad portfolio, including issuing standards for toxins in drinking water, wastewater management and watershed protection. Etzel's role in the office is unclear.

Etzel has said in multiple television interviews that she believes the agency removed her from the children's health office because of disagreements over a lead-abatement strategy EPA was working on with other federal agencies.

She told CBS News that an EPA political appointee told her that proposed regulations to combat lead poisoning in the strategy "wouldn't fly."

The lead strategy was released as an "action plan" in December after months of delay (*[Greenwire](#)*, Dec. 19, 2018).

<https://www.eenews.net/greenwire/2019/04/05/stories/1060145007>

Fresh inquiries, new bill take on Bernhardt ethics concerns

Michael Doyle, E&E News reporter

Published: Friday, April 5, 2019



(Left to right) Rep. Jared Huffman (D-Calif.) and acting Interior Secretary David Bernhardt. House Natural Resources Committee (Huffman); Bureau of Reclamation/Flickr (Bernhardt)

A Northern California congressman has renewed his targeting of acting Interior Secretary David Bernhardt with the introduction of a new ethics reform bill.

Calling Bernhardt the "poster child of corruption in the Trump administration," Democratic Rep. Jared Huffman yesterday unveiled a measure that would increase lobbying reporting requirements and impose stricter "revolving door" limits, among other measures.

"Congress must hold the executive branch accountable, and the law should not allow a walking conflict of interest like David Bernhardt to participate in the same agency decisions that he was recently paid to influence as a lobbyist," Huffman said in a statement.

And in other variations on the theme, the private watchdog group Campaign for Accountability today filed a complaint with congressional officials alleging Bernhardt may have violated the Lobbying Disclosure Act, while lawmakers sought more information from one of his past clients.

Taken together, the myriad moves show how ethics issues have kept swirling around Bernhardt even as he moves toward confirmation as secretary. Yesterday, the Senate Energy and Natural Resources Committee voted 14-6 to advance his nomination ([Greenwire](#), April 4).

"I think it's very clear you've got some pretty well-funded groups working very hard, very energetically against his nomination," said Sen. Lisa Murkowski (R-Alaska), the committee's chairwoman.

Though Huffman's 12-page "Executive Appointee Ethics Improvement Act" would apply across the federal government, his messaging in introducing the bill focused on Bernhardt, his longtime opposite number on certain California water issues.

Huffman is a former attorney for the Natural Resources Defense Council, and in both the state Assembly and the House has pushed for endangered species and habitat protections. Bernhardt is a former lawyer and lobbyist for California's Westlands Water District, whose water-hungry farmers have chafed under Endangered Species Act restrictions.

Among other steps, Huffman's new bill increases from one year to two years the "cooling off period" prohibiting communication between former appointees and employees of the department in which they served. It would also require lobbyists to disclose when they meet with administration officials.

The new bill also picks up where a previous Huffman effort left off.

In April 2017, before Bernhardt was nominated or confirmed as deputy Interior secretary, Huffman offered an ethics-related amendment to a Westlands-related irrigation drainage bill being considered by the House Natural Resources Committee ([*Greenwire*](#), Nov. 3, 2017).

Huffman's 2017 amendment, inspired by Bernhardt's past lobbying work and the possibility he would get a top job in the Trump administration, would have banned former Westlands lobbyists or officials who joined Interior from working on the drainage issue for five years.

"This is the same water district that has long had a revolving door with Republican administrations," Huffman said during committee debate, adding that "a bad deal should not be made worse by toxic conflicts of interest."

The Republican-controlled committee rejected Huffman's amendment by a 16-24 vote.

"This is a continuous running feud that the gentleman from California has had with Westlands, that we've been exposed to time and time again," Rep. Tom McClintock (R-Calif.) complained during committee debate.

Since then, Democrats have taken over the House and Huffman has assumed the chairmanship of the Water, Oceans and Wildlife Subcommittee.

Flexing the newly gained muscles of the majority, Huffman and House Natural Resources Chairman Raúl Grijalva (D-Ariz.) wrote Westlands today asking for "all documents and communications" involving Bernhardt's work for the Rhode Island-sized water district.

That work was also the focus of the Lobbying Disclosure Act complaint filed today by the Campaign for Accountability. Based in part on a *New York Times* account, the complaint cites a March 2017 invoice from Bernhardt's law firm labeled "Federal Lobbying," several months after Bernhardt said he stopped lobbying for Westlands and was sticking to legal work.

"The costs reflected in the invoice were for Mr. Bernhardt's participation in a meeting with Westlands employees and board members — it did not constitute as a lobbying activity," Interior spokesperson Faith Vander Voort said in a statement. "This matter was inappropriately labeled by the billing department."

Vander Voort added that "these allegations are nearly two years old and there is nothing to them."

<https://www.eenews.net/greenwire/2019/04/05/stories/1060145011>

States go to court to fight Trump 2-for-1 order

Ellen M. Gilmer, E&E News reporter



California Attorney General Xavier Becerra (D), Oregon Attorney General Ellen Rosenblum (D) and Minnesota Attorney General Keith Ellison (D). California Department of Justice (Becerra); @EllenRosenblum/Twitter; U.S. House/Wikipedia(Ellison); Published: Friday, April 5, 2019

Three Democratic state leaders are heading to court to challenge President Trump's "two-for-one" executive order from 2017.

Attorneys general from California, Oregon and Minnesota filed suit yesterday in the U.S. District Court for the District of Columbia, targeting the president's decree, which calls on agencies to slash two existing regulations for every new one created.

The state officials say it violates the Administrative Procedure Act and the Constitution by crimping agencies' ability to implement federal laws.

"Imagine if the EPA wanted to enact a new rule to limit air pollution, but was forced to cut two existing rules just to satisfy this new rule?" Oregon Attorney General Ellen Rosenblum said in a statement. "Our federal government should be focused on implementing good policy — not just eliminating policy for the sake of a new mandate."

The timing of the lawsuit — two years after Trump issued the executive order — allowed the states to amass an array of examples of how the president's policy affected them.

The lawsuit specifically calls out regulatory decisions from the Transportation, Interior, Energy and Labor departments, along with EPA, the Office of Management and Budget, and the Department of Health and Human Services.

"In complying with the Order and in failing to address these environmental and public safety hazards, federal agencies have violated federal statutes, including the Clean Air Act, the Energy Policy [and] Conservation Act, and the Motor Vehicle Safety Act," the state officials said.

Public Citizen, the Natural Resources Defense Council and other groups filed a separate lawsuit in 2017 immediately after Trump issued the order. The same district court fielding the states' challenge dismissed their case last year but allowed them to refile.

That version of the lawsuit is still afloat, but the groups have to demonstrate that the executive order fueled specific regulatory decisions that affected them (Greenwire, Feb. 11).

Research office overhaul takes shape

Kevin Bogardus, E&E News reporter



EPA headquarters in Washington. Natural Resources Defense Council/Flickr

Published: Friday, April 5, 2019

EPA has begun to flesh out the reorganization of its research office.

Earlier this week, the agency's Office of Research and Development held another town hall meeting with staff to go over EPA's plans to consolidate its science division. Slides obtained by E&E News show who will run the new offices and centers under the reorganization as well as a timeline for when the effort will be completed.

This spring, research staff will provide feedback and attend listening sessions so that by mid-June, the proposed structure will be finalized, and then reviewed and approved by the office's leaders by July 1, according to an "Anticipated Timeline" included in the slides.

From then until the end of September, the reorganization will be subject to greater review and implemented by EPA. Notice will also be given to Congress and agency unions during this period.

Bob Kavlock, formerly acting head of EPA's research office, said the agency's quick timeline to rework the division was feasible.

"As to the timeline, it is probably a bit ambitious, but ORD has done a lot of groundwork to get it this stage, so certainly possible to meet," said Kavlock, who retired from EPA in November 2017 after close to 40 years at the agency.

An EPA spokeswoman told E&E News in an email, "We are working to meet the schedule described in our April 3rd Town Hall."

The research office announced the proposed reorganization in a town hall meeting last month. Under the plan, EPA would merge 13 components in the research program into eight (Greenwire, March 8).

Top career EPA officials were named as heads of the new offices and centers in the slides. Thomas Burke, a former EPA science adviser during the Obama administration, praised those officials who are assuming new managerial positions in the reorganization.

"I feel really good about the people who still lead science at EPA," said Burke, now a professor at Johns Hopkins Bloomberg School of Public Health. "These are folks that I worked with, and there is such a strong team there."

Several smaller units will also be shifted around under the reorganization at the research office. The Integrated Risk Information System program, which assesses the health hazards of chemicals and has long been a target of EPA's critics, would move into the new Center for Public and Environmental Assessment.

"All of IRIS's functions are staying with IRIS and will be folded into the new Center for Public Health and Environmental Assessment," said the EPA spokeswoman.

"Research conducted by ORD will continue to be governed by the Strategic Research Action Plans and implemented by the new Centers."

Democratic lawmakers have sought to protect the program.

Rep. Eddie Bernice Johnson (D-Texas), chairwoman of the House Science, Space and Technology Committee, told colleagues in a **letter** this week that IRIS should remain in EPA's research office and its funding should not be cut.

In addition, Sen. Tom Udall (D-N.M.) and Rep. Betty McCollum (D-Minn.), heads of the appropriations committees that oversee EPA, have questioned the agency in a separate **letter** over reported political interference with IRIS as well as reduction of its workload and reassignment of its staff (**Greenwire**, April 2).

Michael Halpern, deputy director of the Center for Science and Democracy at the Union of Concerned Scientists, said it was important to monitor any changes to IRIS under the reorganization plan. He said, "EPA political leadership clearly wants more control over that process," referring to chemical assessments.

"But it's a little premature to say how the reorganization will impact the independence of scientific work at ORD, particularly for the IRIS program. And we know that career staff are generally supportive of some changes to the structure, regardless of who is in charge of the agency," Halpern said.

Kavlock said the program "is constantly under attack by members of the chemical industry and their ilk because of the impact of IRIS decisions on potential profits."

He said it's vital that top management in the research office advocate for and defend IRIS.

"I am hopeful that that will be the case, but only time will tell," Kavlock said.

<https://www.eenews.net/eenewspm/2019/04/05/stories/1060145241>

CHEMICALWATCH ARTICLES

Colombia's lower chamber agrees ban on cosmetics animal testing

Bill now faces two votes in the Senate

5 April 2019 / Colombia, Personal care, Product testing



Colombia's House of Representatives has voted unanimously for a bill that would ban the use of animal testing in the development of cosmetics and their ingredients.

Bill 120/2018 would cover cosmetics manufactured in and imported into the country. It also singles out cleaning products and absorbents used in nappies and tampons.

Among its provisions the proposed law says:

- tests with animals will be prohibited in the research, development and commercialisation of cosmetic, grooming and absorbent products;
- all cosmetic, grooming and absorbent products that are produced, traded, imported or exported in Colombia must have a "Not tested on animals" seal; and
- the government will generate incentives and facilities for the commercialisation and exportation of cosmetic, grooming and absorbent products not tested on animals, and scientific research programmes that develop alternative models to avoid the use of animals in this industry.

The Bill will now go to the upper chamber of the Colombian Congress – the Senate – where it will face two debates before passing into law. If approved, it will come into force 12 months later.

When representative Juan Carlos Losada Vargas introduced the proposed legislation in Congress last August, he described its purpose as stopping animal suffering and enabling Colombian companies to "enter the European market, a region that has for years rejected such tests."

And representative Ángel María Gaitán, who spoke in support of the bill, said: "Colombia must become a world leader in prohibiting practices that harm animals, providing incentives and support to stop animal suffering in our country."

Worldwide bans

According to NGO Animal Defenders International (ADI) around 40 countries have similar bans in place. In 1998 the UK became the first country to introduce legislation prohibiting animal testing for cosmetics. India, Israel and New Zealand have similar laws.

The EU banned the marketing of cosmetics tested on animals in 2013 with some exceptions. And in May this year the European Parliament adopted a resolution calling for a worldwide ban by 2023. But the current level of alternative testing methods is not sufficient to enable full replacement of animal tests, the European Commission said in a July progress report covering 2015-17.

Meanwhile in the US, NGO the Natural Resources Defense Council (NRDC) raised concerns in May that new technologies will be deployed too fast under the US EPA's draft strategy for alternative test methods under TSCA.

Related Articles

- Colombia weighs animal testing ban for cleaning products, cosmetics
- EU implements ban on sale of cosmetics tested on animals
- MEPs call for global ban on cosmetics animal testing
- Challenges 'still remain' for non-animal tests in cosmetics – EU report
- US EPA publishes draft strategy to promote alternative tests

- **Further Information:**
-

- Bill 120/2018

US NGO publishes alternative paint strippers guide

5 April 2019 / Alternatives assessment & substitution, Built environment, United States

US NGO Safer Chemicals, Healthy Families has published a list of alternative paint removal products to those containing methylene chloride or N-methylpyrrolidone (NMP).

The organisation cites the "serious health risks" the products pose, and the US EPA's recent rule to ban methylene chloride paint strippers for consumer uses, as the reasons for developing the guide.

Intended for both consumers and professionals, the guide includes 24 products sold or soon to be available at major retailers. "Our goal in providing these examples was to make the point that safer alternatives are readily available, rather than hypothetical," the NGO said.

To "avoid falling into the trap of regrettable substitution", the SCHF said it excluded products that have ingredients as or more toxic than methylene chloride and NMP. This includes those that received a benchmark score of 1 after evaluation by the Clean Production Action's (CPA) GreenScreen Assessment, including:

- methanol;
- naphthalene;
- toluene; and
- xylene.

SCHF was one of the organisations behind a campaign last year to pressure major retailers to phase out the sale of paint strippers containing methylene chloride and NMP. More than a dozen agreed to do so.

Related Articles

- [US EPA bans methylene chloride in consumer paint removers](#)
- [NGOs push Lowe's on methylene chloride paint strippers](#)
- [Walmart, Amazon pull paint removers in the face of NGO pressure](#)

- **Further Information:**
-

California publishes Prop 65 fact sheet for rental properties

5 April 2019 / Built environment, Prop 65, US states

California's Office of Environmental Health Hazard Assessment has published a consumer-facing factsheet about Proposition 65 warnings in apartments and other residential rental properties.

Its purpose is to explain why a rental agreement may contain a Prop 65 warning. And it includes several chemicals listed under the state's scheme that renters may be exposed to, including:

- formaldehyde in building materials like insulation, composite wood cabinetry, and wall and flooring products;
- - lead from plumbing materials or paint chips in older buildings, or in vinyl imported mini-blinds from before 1997; and
 - asbestos in ceiling materials of older buildings.

The information is housed on Oehha's Prop 65 warnings website. August 2016 amendments to how 'clear and reasonable' warning should be provided under the law directs companies to include the URL for this site in their warnings.

Further Information:

Canada releases results of 2017 inventory update

8 April 2019 / Canada, Environmental Protection Act, Substance notification & inventories

The Canadian government has published a summary of the results of its 2017 [inventory update](#).

The exercise involved data collection on some 1,500 substances on the country's Domestic Substances List (DSL), Non-Domestic Substances List (NDSL) and Revised In Commerce List (R-ICL) in 2014-15.

Nearly 300 organisations provided responses. The summary aggregates these submissions to identify, among others:

- which substances were manufactured or imported at certain weight thresholds;
- highest reported industrial sectors and substances within each of those;
- most frequently notified substance functions; and
- most frequently reported substances for commercial and consumer activities, as well as for those with intended uses for children.

The government says it will use the information collected to inform priority setting and to support risk assessment and management activities.

It previously conducted inventory updates in 2012 and in 2009.

Related Articles

- [Canada to conduct inventory update](#)
-
- **Further Information:**
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- [Summary](#)
- [Information received](#)
- [Inventory updates](#)

Lithuania streamlines controls on hazardous chemicals in end-of-life vehicles

5 April 2019 / Aerospace, automotive & engineering, Enforcement, Lithuania, Substances of concern

Lithuania has reorganised the administration of its national legislation on the control of dangerous substances in end-of-life vehicles.

Previously looked after by the Ministry of Health, the responsibility for implementing the rules on placing components of end-life vehicles on the market has now been handed to the Ministry of Economics and Innovation.

Saulius Majus, head of the Products Assessment Division at the Baltic state's National Public Health Centre (NPHC), told Chemical Watch there were "long discussions" about the switch.

NPHC is a governmental institution under the Ministry of Health, tasked with implementation of the ministry's policies in public health areas.

"With the technological advancement over the years – specifically with wider use of new-generation vehicles and their parts in which manufacturing hazardous cadmium is now increasingly used – it became important to heed the changes and embed them in the Economics and Innovation Minister's orders", Mr Majus said.

The rules will implement controls on the safety and storage of chemicals in the components of vehicles and articles containing them, including:

- cadmium;
- hexavalent chromium;
- lead and its derivatives; and
- mercury.

At the end of last year, industry called on the European Commission to improve coherence between the end-of-life vehicles (ELV) Directive and other EU frameworks, such as REACH and the RoHS Directive.

The Commission must review the Directive by 31 December 2020 to see if it meets current needs for the environment, the public and industry.

Other activities

Lithuania is also ramping up enforcement activities this year. The NPHC will embark on projects to help protect the health of children. It will increase checks on the control of hazardous substances in schools and encourage stakeholders to use responsible care principles when selling products containing dangerous chemicals to them.

And a newly established interinstitutional working group is now preparing proposals on which areas of chemical control it should optimise.

Meanwhile, the State Consumer Rights Protection Authority is prioritising the enforcement of treated articles requirements under the Biocidal products regulation (BPR).

The UK's withdrawal from the EU will have an impact on member state responsibilities under the BPR, with Lithuania taking on some additional work that was previously assigned for the UK, Mr Majus said.

"Considering the level of expertise of UK colleagues and the amount of work they are doing in the area of biocidal products, Brexit is a real pity," he added.



Linas Jegelevicius

Reporter

Related Articles

- [Greater EU regulatory consistency needed for end-of-life vehicles – industry](#)
- [Echa registration transfers ahead of Brexit reach 4,800](#)
-
- **Further Information:**
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- [EU Directive](#)

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OTHER ARTICLES

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Imagine the fear and anger you would experience upon hearing from your child care provider that your child has been exposed to **toxic chemicals**.

Diapers and Pads May Be Leaching Chemicals Into Our Bodies
Sierra Magazine

The sooner we quit trying to turn our bodies and homes into fortresses against **toxic** invasions, the sooner we'll realize we have no choice but to rise ...

Is "Proposition 65 Lite" Coming To New York?

JD Supra (press release)

The Proposal – Identify Chemicals that Require Warnings ... scheme – the Safer Consumer Products Act. That is a set of **green chemistry** regulations ...